

REMARKS/ARGUMENTS

Claims 1, 3, 5, 6-9, 13 and 15 are pending in the application. Claims 2, 4, 10-12 and 14 are canceled. Claims 1, 3, 5, 7, and 9 are amended. Claims 16-17 are new. Support for the new and amended claims can be found in the specification and in the original claims. No new matter has been added.

Summary of the Interview

Applicants' representative thanks the Examiner for the telephonic interview on December 1, 2009. The interview focused on the scope of allowable subject matter related to claims 4, 5 and 9, which the Office action dated June 8, 2009 indicated would be allowable if rewritten in independent form including all limitations of the base claim and any intervening claims. Applicants' representative believes agreement was reached and that the agreed upon subject matter is incorporated into the claims as listed and amended herein.

As to claim 4, it was agreed that the limitations of claim 4 would be incorporated into claim 1 as amendments therein, and claim 4 would be canceled. Among the variables in the formulae I and II as incorporated into claim 1, X would be CO-NH-R¹ and R¹ would be ammonio-C₁-C₃₀-alkyl. Variables defined for formula I when k is an integer of more than 1 would be deleted. Agreement was reached that incorporating the broader limitation for the substrate of claim 2, rather than the narrower limitation of claim 3, would not adversely effect the allowability of claim 1. Claim 5, as examined, would be canceled. Claim 5 amended to further limit the value of k, and so now is directed to different subject matter.

Because the compounds claimed in claim 9 lie outside the limitations of claim 1 as amended herein, claim 9 would be rewritten as an independent claim incorporating the limitations of claim 1 that existed just prior to the amendment of claim 1 herein. It was agreed that incorporation of these limitations would make the claims allowable. Applicants' representative believes that the claims as amended herein reflect the agreed upon substance of the interview and that all claims now are allowable.

Rejections under 35 U.S.C. § 103

Claims 1–3, 6–8, 13 and 15 are rejected under 35 U.S.C. § 103 as unpatentable over Pardoen et al. (US 2004/0127608). In view of the amendments to the claims herein, Applicants believe that the Examiner's rejections are now moot, and respectfully request reconsideration and withdrawal of the rejections.

Claims 10–12 are rejected under 35 U.S.C. § 103 as unpatentable over Burgard et al (US Pat. 4,423,235). In view of the amendments to the claims herein, Applicants believe that the Examiner's rejections are now moot, and respectfully request reconsideration and withdrawal of the rejections.

The Examiner objected to claims 4, 5 and 9 as dependent on a rejected base claim, but he states that these claims would be allowable for the reasons given if rewritten in independent form including all limitations of the base claim and any intervening claims. Applicants have amended claim 1 to incorporate the limitations of claims 2 and 4, and believe claim 1 now is the equivalent of claim 4 written in independent form as suggested by the Examiner. Applicants note that they have amended claim 1 to limit the substrate to the Markush group of a biomolecule, a polymer and a surface of now-canceled claim 2 rather than the polymer of claim 3, as agreed upon in the interview discussed above. The Examiner stated that he believes that this variation does not compromise the allowability of claim 1 because the allowability of claim 4 as stated on page 5 of the Office action mailed October 15, 2008 was based on the absence of suggestion in the prior art to use a compound comprising formula I, wherein X is CO-NH-R¹ and R¹ is an ammonioalkyl group, to modify a substrate. This limitation to X and R¹ has been added to claim 1.

Claim 9 has been made independent as a process for modifying a substrate by contacting the substrate with one or more of the listed compounds. Accordingly, claim 9 now is believed to be in condition for allowance.

For at least the above reasons, Applicants respectfully request withdrawal of the rejections and objections, and allowance of the claims. The Examiner is welcome to contact

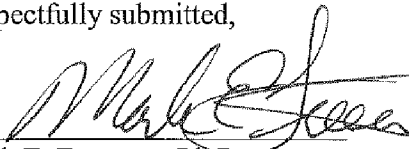
Applicants' representative to discuss any outstanding impediments to allowance of the claims submitted herein, should the Examiner perceive such.

PETITION FOR THREE-MONTH EXTENSION OF TIME

Applicants hereby petition for a three-month extension of time to and including December 8, 2009 to respond to the Office action mailed June 8, 2009, along with the required fee paid by credit card. Accordingly, this response is timely filed.

Applicants have paid by credit card the required fee for extension of time. No further fee is believed due. However, if any additional fee is due or overpayment made, the Director is hereby authorized to charge or credit our Deposit Account No. 03-2775, under Order No. 13744-00046-US, from which the undersigned is authorized to draw.

Respectfully submitted,

By 

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